

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOSE MADRIGAL-NEGRETTE,

Plaintiff,

Civil Action No.  
12-CV-14012

vs.

HON. MARK A. GOLDSMITH

HARLEY G. LAPPIN, et al.,

Defendants.

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**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATION and DISMISSING CASE PURSUANT TO 28 U.S.C. §  
1915(e)(2)(B)(ii)**

This matter is presently before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Charles E. Binder, issued on November 2, 2012. The Magistrate Judge recommends that the case be dismissed for failure to state a claim on which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff has not filed objections to the R&R and the time to do so has expired. Therefore, Plaintiff has waived any further right to contest the Magistrate Judge’s ruling. See Thomas v. Arn, 474 U.S. 140, 155 (1985). In any event, the Court has reviewed the R&R and finds that the Magistrate Judge has reached the correct result for the correct reason. Accordingly, the R&R is accepted and adopted as the findings and conclusions of the Court and this case is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

SO ORDERED.

Dated: November 19, 2012  
Flint, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 19, 2012.

s/Deborah J. Goltz

DEBORAH J. GOLTZ

Case Manager